

## OATH OF OFFICE

### *Utah State Archives*

In Utah, state officers are required by both the federal and state constitutions to take an oath of office. The Constitution of the United States requires members of the legislature as well as all executive and judicial officers of the states to be bound by oath or affirmation to support the federal Constitution (Article VI, clause 3). The Constitution of Utah specifies the wording of the oath to be taken by "all officers made elective or appointive by this Constitution or by the laws made in pursuance thereof, before entering upon the duties of their respective offices" (Article IV, section 10).

The **Oath** is to be stated as found in Article IV, section 10:

"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this State, and that I will discharge the duties of my office with fidelity.["]

State law dictates that the following individuals may administer the oath. Some state agencies may have a notary on staff who can administer the oath:

§ 78B-1-142: "Every court, every judge, clerk and deputy clerk of any court, every justice, every notary public, and every officer or person authorized to take testimony in any action or proceeding, or to decide upon evidence, has the power to administer oaths or affirmations."

After taking the oath, state officials should file the original signed oath with the State Archives, as mandated by state law. (Utah Code § 52-1-2 (2))

### **How to File an Oath of Office for Public Officials with the Division of Archives and Records Service**

Once administered the Oath of Office, an official should check with the agency that administered the oath, and the official's own agency, to see if there are specific procedures in place to ensure the oath is properly filed with the State Archives.

If there are no set procedures, the original signed hard copy oath should be sent to the State Archives, either by mail or deliver to:

Oaths of Office  
Utah State Archives  
346 Rio Grande  
SLC, UT 84101

Even though there is no specific time frame as to when an oath should be filed with the State Archives, state officials should do so as soon as possible. Utah Code § 76-8-203 states, "A person is guilty of unofficial misconduct [a class B misdemeanor] if the person exercises or attempts to exercise any of the functions of a public office when the person has not taken and filed the required oath of office[.]"